

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 33, 34, 42, and 43 have been canceled, and claims 32 and 41 have been amended.

Support for these amendments is provided, for example, in the specification on page 46, line 12, through page 47, line 2. The amendments were not presented earlier due to the unforecastability of the remarks presented in the Final Rejection. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

With regard to the 35 USC 112, first paragraph, rejections, it is noted that the "first time slot" recited in claims 32 and 41 refers to one of a plurality of time slots that is set for use at higher priority by a radio communication device and the "second time slot" refers to another of these time slots that can be used at higher priority. As described in the specification, each radio communication device (i.e., IHC) is given high priority to access a wireless medium in a selected time slot by selecting a SHARE_SLOT parameter that is the identifier of each time slot (see specification page 23, lines 17-22). Thus, the Applicants respectfully submit that support exists in the original specification for the instant claimed first and second time slots being accessed by different radio communication devices.

Moreover, the Final Rejection acknowledges that multiple time slots are disclosed in the specification (see Final Rejection page 2, last three lines of second to last paragraph). One clear way that each time slot may distinguished from the other time slots is to label each time slot with a unique identifier, such as first time slot, second time slot, third time slot, etc. As stated in the

MPEP, 35 USC 112, first paragraph, does not impose any condition that the claims must be written with the exact words used in the specification (see MPEP §2163 I(B), first sentence of second paragraph). Instead, claim terminology is adequately supported in the original application when it is disclosed expressly, inherently, or implicitly (see MPEP §2163 I(B), first sentence of second paragraph).

Furthermore, the standard for determining compliance with the written description requirement of 35 USC 112, first paragraph, is whether a skilled artisan would recognize from the original application that the applicant invented what is being claimed (see MPEP §2163.02, second sentence). Based on Applicants' disclosure of each radio communication device being given high priority to access a wireless medium in a selected time slot by selecting a SHARE_SLOT parameter that is the identifier of each time slot (see specification page 23, lines 17-22), it should be apparent that a skilled artisan would recognize that a time slot selected by one radio communication device could be characterized as a "first" time slot and another time slot selected by a different radio communication device could be characterized as a "second" time slot.

Accordingly, it is submitted that the 35 USC 112, first paragraph, rejections should be withdrawn.

Claims 32-49 were rejected, under 35 USC §103(a), as being unpatentable over Haartsen (US 2002/0126692) in view of Montano et al. (US 7,280,518).

To the extent that these rejections may be deemed applicable to the amended claims presented herein, the Applicants respectfully traverse as follows.

Claim 32 recites a radio communication device that compares its identification information with that received from another radio communication device to determine whether to increase the number of time slots within a communication period.

It is submitted that Haartsen and Montano, considered alone or together, fail to disclose or suggest this feature of claim 32.

Additionally, claim 32 recites that the radio communication device divides the communication period into a plurality of time slots in accordance with a number of other radio communication devices detected by the radio communication device. And when the radio communication device determines that the number of time slots should be increased, the increase is accomplished by increasing a divisor by which the communication period is divided. Thereafter, the radio communication device selects a time slot from the newly divided communication period that can be used at higher priority for communication with a radio terminal. This claimed subject matter provides an advantage of avoiding signal collisions in a wireless medium by dynamically increasing the number of time slots within a communication period in accordance with an increase in the number of communication devices that may attempt to communicate during the communication period (see specification page 3, lines 15-19, and page 5, lines 8-11).

Haartsen discloses a contention resolution scheme in which access to a communication slot is granted in accordance with the relative priorities of the multiple communication devices attempting to access the communication slot (see Haartsen paragraphs [0015], [0017], and [0042]). However, Haartsen does not disclose the Applicants' claimed subject matter of

increasing, when a need to do so is determined, the number of time slots within a communication period by increasing a divisor by which the communication period is divided.

The Final Rejection proposes that Montano discloses, in column 16, lines 1-5, dividing a communication period into a plurality of slots based on the number of detected radio communication devices (see Final Rejection page 4, lines 12-15). However, the Applicants note that Montano actually discloses, within the cited portions, providing an uplink and a downlink management time slot (MTS) within a superframe communication period 1010 (see Montano col. 15, lines 65-67). The two MTSs are shared by five communication devices 321-325 using an Aloha contention scheme to resolve channel contention among multiple ones of the five communication devices 321-325 attempting to access the management time slots (see Fig. 3 and col. 16, lines 2-4).

Accordingly, due to at least the above-noted distinctions, the Applicants respectfully submit that the teachings of Haartsen and Montano, considered individually or in combination, do not render obvious the subject matter now defined by claim 32.

Independent claim 41 now similarly recites the above-mentioned subject matter distinguishing method claim 32 from the applied references, but with respect to an apparatus.

Therefore, allowance of claims 32 and 41 and all claims dependent therefrom is deemed to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: July 13, 2009
JEL/DWW/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. 008638-05108
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington, DC 20006
Telephone: (202) 659-6966
Facsimile: (202) 659-1559